

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VINCENT P. JIMENEZ,

Plaintiff,

v.

No. 11-cv-0707 WJ/SMV

**JEFFREY STONE,
KEVIN TODACHEENIE, and
CITY OF ALBUQUERQUE,**

Defendants.

FIRST AMENDED SCHEDULING ORDER

THIS MATTER is before the Court on the telephonic status conference, held on December 21, 2012. Clerk's Minutes [Doc. 44]. Because Plaintiff has failed to provide his initial disclosures, the scheduling deadlines will be reset.

Plaintiff shall identify to all parties in writing any expert witness to be used by Plaintiff at trial and provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **May 6, 2013**. All other parties shall identify in writing any expert witness to be used by such parties at trial and provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **June 4, 2013**.¹

The termination date for discovery is **August 5, 2013**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only

¹ Parties must formally disclose the identity of all testifying experts, even if the experts are not required to submit a Rule 26 expert report. See *Blodgett v. United States*, No. 2:06-CV-00565 DAK, 2008 WL 1944011, at *5 (D. Utah, May 1, 2008).

if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **August 26, 2013**. *See* D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing party by **September 5, 2013**. *See* D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

The parties are directed to file a consolidated final Pretrial Order as follows: Plaintiff to Defendant on or before **October 21, 2013**; Defendant to Court on or before **November 4, 2013**.

The parties are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the

witness is furnished to the Court and opposing counsel/party no later than 30 days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

Except as expressly provided herein, the Scheduling Order [Doc. 33] remains in effect.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge